

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAJACOB S. SILVERMAN,  
Plaintiff,

v.

ERIN SHERMAN, et al.,  
Defendants.

Case No. 18-07620 BLF (PR)

**ORDER DISMISSING  
DEFENDANT ERIN SHERMAN**

Plaintiff, a California state prisoner at the time he filed this lawsuit, filed a civil rights complaint in *pro se* pursuant to 42 U.S.C. § 1983 against personnel at Napa State Hospital (“NSH”). Dkt. No. 1. On March 30, 2020, the Court issued an order of service and directed the Clerk to send a Request for Waiver of Service of Summons to Defendant Erin Sherman and another Defendant. Dkt. No. 13. On July 23, 2020, Deputy Attorney General Wil Fong notified the Court that Defendant Erin Sherman does not work at NSH. Dkt. No. 19. On August 21, 2020, the Court directed Plaintiff to provide current and accurate location information for Defendant Erin Sherman. Dkt. No. 23. Plaintiff was warned that if he failed to provide the Court with the information requested within twenty-eight days of the order, his claims against this Defendant would be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure and without

1 further notice to Plaintiff. *Id.* at 2.

2 The time to comply has passed, and Plaintiff has failed to provide any information  
3 regarding the whereabouts of Defendant Sherman. Therefore, the claims against  
4 Defendant Erin Sherman are **DISMISSED** without prejudice under Rule 4(m) of the  
5 Federal Rules of Civil Procedure from this action.

6 The Clerk shall terminate Defendant Erin Sherman from this action.

7 **IT IS SO ORDERED.**

8 Dated: October 7, 2020



BETH LABSON FREEMAN

United States District Judge

United States District Court  
Northern District of California